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DANIEL N. ZENCHELSKY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

PROTEGO NETWORKS, INC., a Delaware  
corporation,

Plaintiff,

v.

DANIEL N. ZENCHELSKY,

Defendant.

AND RELATED COUNTERCLAIM.

Case No. C05-00464 MJJ

**STIPULATION AND PROPOSED  
ORDER RE: LEAVE FOR  
ZENCHELSKY TO FILE THIRD  
AMENDED ANSWER AND  
COUNTERCLAIM AND GRANT OF  
EXTENSION OF TIME IN WHICH TO  
REPLY**

Complaint Filed: February 1, 2005

1 WHEREAS, on October 11, 2005 this Court issued an order dismissing Defendant and  
2 Counterclaimant Zenchelsky's ("Zenchelsky") Fifth Cause of Action for Declaratory Judgment as  
3 to Authorship, Inventorship and Ownership and his Sixth Cause of Action for Correction of  
4 Inventorship relating to United States Patent Application No. 2004/0260763, citing a lack of  
5 jurisdiction to hear such claims relating to a *pending* United States patent application;

6 WHEREAS, on January 10, 2006, United States Patent Application No. 2004/0260763  
7 issued as United States Patent No. 6,985,920 ("920 Patent");

8 WHEREAS, now that the relevant patent has issued, Zenchelsky, believing the issues are  
9 ripe for adjudication by this Court, intends to amend his Second Amended Answer and  
10 Counterclaim ("SAC") to include causes of action for Declaratory Judgment as to Authorship,  
11 Inventorship and Ownership relating to '920 Patent, and for Correction of Inventorship relating to  
12 '920 Patent;

13 WHEREAS, Zenchelsky's Second Amended Answer and Counterclaim ("SAC") does not  
14 reflect the fact that the copyright applications under review at the time his SAC was filed have  
15 since been granted;

16 WHEREAS, Zenchelsky intends to amend his SAC to reflect the fact that relevant  
17 copyrights have been granted to him;

18 WHEREAS, Plaintiff and Counterclaim Defendants do not object to the amendments  
19 described above, or to Zenchelsky filing a Third Amended Answer and Counterclaim ("TAAC")  
20 to incorporate such amendments;

21 **IT IS THEREFORE STIPULATED**, by and between counsel for the parties, who are  
22 authorized to execute this Stipulation on their clients' behalf, as follows:

23 Zenchelsky shall be permitted to file his Third Amended Answer and Counterclaim to re-  
24 state the Fifth and Sixth Causes of Action that were dismissed by this Court on October 11, 2005,  
25 to reflect the fact that the '920 Patent has issued and to reflect the fact that Zenchelsky's  
26 copyright applications described in his Second Amended Answer and Counterclaim were granted.  
27 As a courtesy, Zenchelsky will grant Plaintiff and Counterclaim Defendants until April 29, 2006  
28 to respond to Zenchelsky's Third Amended Answer and Counterclaim.

1 IT IS SO STIPULATED.

2 Dated: March 31, 2006

FENWICK & WEST LLP

3 By: Rachael Samberg  
4 Rachael G. Samberg

5 Attorneys for Plaintiff and Counterclaim Defendant  
6 PROTEGO NETWORKS, INC., now Protego  
7 Networks LLC, and Counterclaim Defendants  
8 PARTHA BHATTACHARYA, IMIN LEE & YU  
9 LIAO

10 Dated: March 30 2006

LINER YANKELEVITZ SUNSHINE &  
REGENSTREIF LLP

11 By: Joshua S Levenberg  
12 Joshua S Levenberg

13 Attorneys for Defendant and Counterclaimant  
14 DANIEL N. ZENCHELSKY

15 **PROPOSED ORDER**

16 PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED.

17 Dated: 4/12/2006, 2005

18 Martin J. Jenkins  
19 THE HONORABLE MARTIN J. JENKINS  
20 UNITED STATES DISTRICT COURT JUDGE  
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